



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FINAL AMENDED
FACT SHEET FOR H.B. 2548

~~postsecondary campuses; public forums; activities~~
(NOW: public forums; activities; postsecondary campuses)

Purpose

Allows the Attorney General or a student whose rights were violated to bring an action in court for violations of a student's right to speak and expands the offense of obstructing a highway or public thoroughfare.

Background

Universities and community colleges are prohibited from restricting a student's right to speak, including verbal speech, holding a sign or distributing fliers or other materials, in a public forum. Universities and community colleges may restrict a student's right to speech in a public forum only if it demonstrates that the application of the burden to the student is both the furtherance of a compelling government interest and the least restrictive means of furthering that interest (A.R.S. § 15-1864).

Statute defines *public forum* as any open, outdoor area on the campus of a university or community college and any facilities, buildings or parts of buildings that the university or community college has opened to students or student organizations for expression (A.R.S. § 15-1861).

Statute classifies obstructing a highway or other public thoroughfare as a class 3 misdemeanor if a person, alone or with other persons: 1) recklessly interferes with the passage of any highway or public thoroughfare by creating an unreasonable inconvenience or hazard if the person has no legal privilege to do so; or 2) intentionally activates a pedestrian signal on a highway or public thoroughfare if the person's reason for activating the signal is not to cross but to stop the passage of traffic and solicit a driver for a donation or business (A.R.S. § 13-2906). The maximum penalty for a class 3 misdemeanor is 30 days in jail and up to a \$500 fine. The maximum penalty for a class 1 misdemeanor is six months in jail and up to a \$2,500 fine.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows the Attorney General or a student whose expressive rights were violated to bring an action in a court of competent jurisdiction to:
 - a) enjoin any violation of a student's right to speak; or
 - b) recover reasonable court costs and reasonable attorney fees.

2. Directs the court to award the aggrieved person injunctive relief and reasonable court costs and reasonable attorney fees if the court finds a violation of a student's right to speak occurred.
3. Requires a person to bring an action for a violation of a student's right to speak within one year after the date the cause of action accrues.
4. Deems each day the violation persists or each day a policy in violation remains in effect a new violation and is considered a day that the cause of action has accrued.
5. Modifies the definition of *public forum* to include both a traditional public forum and a designated public forum.
6. Expands the offense of obstructing a highway or public thoroughfare to include a person that, after receiving a verbal warning to desist, intentionally interferes with passage on a highway or other public thoroughfare or entrance into a public forum that results in preventing other persons from gaining access to a governmental meeting, a governmental hearing or a political campaign event.
7. Classifies this offense as a class 1 misdemeanor.
8. Makes technical and conforming changes.
9. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Expands the offense of obstructing a highway and classifies the expanded offense as a class 1 misdemeanor.
2. Specifies a student, rather than a person, may bring a court action.
3. Removes, as a clarifying change, the ability for the Attorney General to bring a court action to recover compensatory damages.

House Action

ED	2/17/16	DPA/SE	7-0-0
3 rd Read	3/2/16		42-16-2
Final Read	5/7/16		32-23-5

Senate Action

ED	3/10/16	DP	4-2-1
JUD	3/30/16	W/D	
3 rd Read	5/6/16		17-11-2

Signed by the Governor 5/16/16
Chapter 249

Prepared by Senate Research
May 31, 2016
CB/lb